

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE AMERICAN EXPRESS
ANTI-STEERING RULES
ANTITRUST LITIG. (II)

11-MD-02221 (NGG) (RER)
ECF Case

This Document Relates To: ALL ACTIONS

STIPULATION AND ORDER REGARDING EXPERT DISCOVERY

The parties hereto, through their respective counsel of record, hereby stipulate to the following regarding expert discovery and testimony in this matter.

1. In order to avoid consuming the parties' and the Court's time and resources on potential discovery issues relating to experts, the parties have agreed to certain limitations on the scope of expert-related discovery and testimony in this matter. Neither the terms of this stipulation, nor the parties' agreement to this stipulation, imply that any of the information that need not be disclosed pursuant to this stipulation would otherwise be discoverable.

2. The following categories of data, information, communications, or documents need not be disclosed by any party or person, and all are outside the scope of permissible discovery in these actions (including, but not limited to, deposition questions and disclosures required pursuant to Fed. R. Civ. P. 26(a)(2)):

a) any notes or other writings taken or prepared in connection with this action or any related litigation by or for a non-testifying expert (hereinafter "Consulting Expert"), including a Consulting Expert employed by or affiliated with a testifying expert, except to the extent any such notes or writings identify facts or data that the testifying expert considered in forming the opinions to be expressed or identify

assumptions that the testifying expert relied upon in forming the opinions to be expressed;

- b) all written or oral communications and/or notes of communications, to, from or between any testifying or Consulting Expert(s), except to the extent any such communications identify facts or data that the testifying expert considered in forming the opinions to be expressed or that identify assumptions that the testifying expert relied upon in forming the opinions to be expressed;
- c) drafts of parts of or whole Fed. R. Civ. P. 26(a)(2)(B) expert reports, affidavits, compilations, exhibits or declarations, including any comments contained within any such drafts; and
- d) all written and oral communications with counsel.

3. The parties agree to comply with this Stipulation and Order pending the Court's approval and entry of this Order.

Dated: May 5, 2011

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SO ORDERED:

Dated: Brooklyn, N
May 6, 201

/s/ RER
HON. RAMON E. REYES, JR.
UNITED STATES MAGISTRATE JUDGE